

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ____; Amendment __X__; Repeal ____; Repeal and Reenact ____		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R307-210	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Standards of Performance for New Stationary Sources.
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
This rule is amended to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations.
4. Summary of the new rule or change:
This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 1, 2017, to July 1, 2019.
A public hearing is set for Monday, May 4 th , 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1 st , 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1 st , after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.
https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.
B) Local governments:
This rule incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule incorporates already existing federal regulations. No additional costs or benefits exist for non-small businesses after incorporation.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small business, non-small businesses, state, or local government entities after incorporation.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of incorporation.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Due to the nature of the incorporated materials already existing as federal regulations, the incorporation into state rules will result in no additional fiscal impacts on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	Office of the Federal Register
Date Issued	07/01/2019
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
05/04/2020	09:00 AM	Multi Agency State Office Building Fourth Floor, Division of Air Quality 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy): 06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	Date (mm/dd/yyyy):	02/10/2020
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R307. Environmental Quality, Air Quality.

R307-210. Standards of Performance for New Stationary Sources.

R307-210-1. Standards of Performance for New Stationary Sources.

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 2012~~[7]~~, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review

Date of Enactment or Last Substantive Amendment: ~~[May 23, 2018]~~2020

Notice of Continuation: May 12, 2016

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108